

**REMARKS**

This is in response to the Final Office Action dated December 31, 2003.

In the Office Action the Examiner rejected Claims 29-31 under 35 U.S.C. §103(a), based on U.S. Patent No. 5,541,840 to Gurne et al. and U.S. Patent No. 6,021,366 to Fieramosa et al.

Claims 32 and 33 have been rejected under 35 U.S.C. §103(a) based on Gurne et al. and Fieramosa et al., as noted above, and further in view of U.S. Patent No. 5,506,772 to Kubozono et al.

Claims 34-37, 40 and 41 have been rejected under 35 U.S.C. § 103(a) based on Gurne et al. and Fieramosa et al., as noted above, in further view of U.S. Patent No. 4,207,611 to Gordon and U.S. Patent No. 6,263,265 to Fera.

Applicant notes with appreciation the Examiner's courtesies in a telephonic interview of the subject application, held on February 10, 2004. At that time Applicant's undersigned representative discussed the substance of the application with the Examiner, with reference to the cited references and the claims, as they have been amended.

In particular, Applicant noted that the present invention allows a user to determine the problem status of a vehicle independent of resources external to the hand held code reader (Claim 1); and independent of a user interaction with a code reader visual interface (Claim 35). As such, the present invention is suitable for use by unsophisticated users that simply want to know if their car needs to be serviced, but have no desire to learn techniques for navigating a user visual interface, as required in contemporary scan tools.

Referencing the Gurne reference, Applicant's representative noted that, as understood, the hand held tool operates in conjunction with a console, though the hand held tool may be operative independent of the console. Applicant's representative indicated the view that the Gurne reference appeared somewhat ambiguous in relation to whether the hand held tool needed to be configured by the console before it could then operate to download trouble codes independent of the console. However, Applicant's representative noted that, in any event, the Gurne reference appears to require the user to navigate a visual interface to operate the scan tool. See, e.g., Column 6, Lines 39-41; Column 7, Lines 21-37. The present

invention requires that a user simply press a connect button, whereupon the scan tool connects with the vehicle on-board computer, downloads the status information from the on-board computer, and generates a visual indicia, e.g., red/yellow/green light, to indicate if the downloaded data is representative of a failed/inconclusive/passed status of the monitored vehicle systems.

Applicant's representative further noted that the present invention utilized conventional technology for initiating a communication link between the scan tool and the on-board computer, whereby the particular protocol used by a vehicle is identified and the communication link established. As noted by Applicant's representative, such a "hands free" establishment of a communication link is in accordance with OBD II specifications. Applicant submits a copy of those specifications, along with a supporting declaration to corroborate that the establishment of such a hands free link is well known in the art.

Accordingly, the present invention not only allows the establishment of a communication link without the need to navigate a user visual interface, but also interprets the status of the vehicle from the received vehicle diagnostic data, without the need to navigate a user visual interface, as set forth in amended Claim 29. Support for the subject matter of Claim 29 is set forth in the specification at paragraph 31 and 32, and Claim 14, 22. As set forth therein, the code reader operates to indicate the status of the vehicle in response to the receipt of the diagnostic trouble codes from the vehicle on-board computer. As such, the status of the vehicle is determined and visually indicated independent of user interaction with a visual interface.

As set forth in the specification and as further recited in the present claims, additional novelty of the invention derives from the process of indexing the diagnostic trouble codes to part/service provider information, including costs to effect repairs indicated by the trouble code signals, and linking the user to specific part/service providers. As such, the user, who may have no background or inclination towards automotive repair, may simply use the tool to extract diagnostic codes, and communicate those codes to a database which interprets the codes, provides information respecting corrective steps to effect repairs, and directs the user to one or more part/service providers who can sell the required parts/services. Once the link is established, the user can affect a customer e-commerce transaction as desired. The method

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further provides that fees may be charged to the part/service provider to be listed in the part/service provider database. These fees may be subscription based, based on establishment of communication links with the part/service provider, based on sales resulting from communications links, or on other bases as may be appropriate to a particular part/service provider.

Claims 53-61 have been added which are directed to the methodology described above. Those claims are believed to be distinct from the known prior art, whether or not the scan tool utilizes a visual interface to affect operation of the tool.

In view of the foregoing, Applicant respectfully requests reconsideration of the rejection under 35 U.S.C. § 103.

If upon review of the matter there appear to be obstacles remaining to allowance of the claims, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

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